

State Water Resources Control Board
Division of Water Quality
Water Quality Certification Program

**Public Notice
of Application for Water Quality Certification**

Pursuant to federal law (Title 33, United States Code, section 1341; Clean Water Act section 401), applicants for a federal license or permit for activities which may discharge to waters of the United States must seek Water Quality Certification from the state or Indian tribe with jurisdiction. Such Certification is based on a finding that the discharge will meet water quality standards and other applicable requirements. In California, Regional Water Quality Control Boards (Regional Water Boards) issue or deny Certification for discharges within their geographical jurisdiction. The State Water Resources Control Board (State Water Board) has this responsibility for projects affecting waters within multiple Regional Water Board jurisdictions.

The following information is provided in satisfaction of the public notice requirements of section 3858, Title 23, of the California Code of Regulations, which govern the State's Certification Program.

Applicant: California Department of Fish and Game

Applicant Contact: Patty Forbes

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Project Name: The 2009 Fisheries Restoration Grant Program Southern Project

Date of Application: July 20, 2009

**Public Notice for Amendment of Water Quality Certification and/or Waste
Discharge Requirements(Dredge/Fill Projects) for the
California Department of Fish and Game 2009 Fisheries Restoration Grant Program
Southern Project**

Affected Counties: Los Angeles, San Luis Obispo, Santa Barbara, Ventura

On October 13, 2009, the State Water Board issued a Federal Clean Water Act, section 401 Water Quality Certification for the Department of Fish and Game (CDFG) 2009 Fisheries Restoration Grant Program (FRGP) Southern Project. On July 20, 2011, the State Water Board received an application from CDFG, requesting an amendment of the 2009 FRGP Southern Project. This request was triggered by the addition of work sites to the original Camp San Luis Obispo Road Erosion Project (P0840402) covered in the 2009 FRGP Southern Project. The original project addressed 24 sites. Of the 24 sites, 10 were not started due to the difficulty in accessing the sites. As a result of not doing the 10 sites, money became available to complete an additional 18 sites. Sediment delivery analysis of the 18 additional sites indicate that similar amount of sediment can be prevented from entering the Chorro and Dairy Creek sites as the 10 sites that could not be completed. Thus, the overall project purpose remains the same

Status of CEQA and other natural resource documents and permits:

On February 25, 2009, CDFG, as lead agency, filed a Notice of Determination (NOD) (SCH#2009052026) for the Mitigated Negative Declaration (MND) for the 2009 FRGP in accordance with CEQA. The State Water Board had determined that the project would not result in any significant water quality impacts. An addendum to the 2009 FRGP MND was completed in April 12, 2011 to include the 18 additional sites in the 2011 field season.

The Los Angeles District of the U.S. Army Corps of Engineers (Corps) issued Regional General Permit 78 (Corps File No: SPL-2003-01123-BAH) for authorization of projects implemented under the 2009 FRGP Southern Project. The Los Angeles District of the Corps issued a Notice to Proceed on July 6, 2011 indicating the 18 additional are covered under the Regional General Permit 78 (RGP 78).

Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and the Porter-Cologne Water Quality Control Act. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact Bob Solecki at (916) 341-5483 or rsolecki@waterboards.ca.gov

Date Posted: August 18, 2011

State Water Resources

Control Board Staff Contact:

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Water Quality Certification Unit,

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State Water Resources Control Board

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Note: No regulatory decision on the application is implied or intended in this public notice.